

76. (Twice Amended) The purified or isolated ICAM-1 preparation as claimed in claim 71, wherein said purified or isolated ICAM-1 is ICAM-1 of JY B-lymphoblastoid cells having a molecular weight of 76.5 to 97 kDa as determined by SDS polyacrylamide gel electrophoresis.

### **Remarks**

Claims 71-73, 75-78, 80-82 and 99 are pending in the application, with claims 71 and 80 being the independent claims.

Applicants thank the Examiner for the courtesy extended to Applicants' representatives during the Examiner interview on October 3, 2000, in which the Examiner suggested certain changes to the language of claims 71 and 76. In particular, the Examiner suggested amending claim 71 to indicate that the purified or isolated ICAM-1 binds with specificity to the ICAM-1 monoclonal antibody RR1/1, to overcome the rejection under 35 U.S.C. § 112, first paragraph. Support for this amendment can be found in priority Appl. No. 07/045,963, *inter alia*, at pages 38-43 (Examples 8 and 9).

In addition, as the Examiner suggested, Applicants have amended claim 76 to indicate that JY cells are B-lymphoblastoid cells. Support for this amendment can be found in priority Appl. No. 07/045,963, *inter alia*, at page 15, lines 5-18; at page 19, lines 29-32; and at page 55, lines 17-21.

Applicants further provide the following remarks regarding the 35 U.S.C. §§ 102 and 103 rejections over Tomassini, thesis 8624033 (1986) [hereinafter "the Tomassini thesis"], and Tomassini *et al.*, *J. Virol.* 58:290-295 (1986) [hereinafter "the Tomassini article"]. The authors

of the Tomassini thesis and article indicated that Tomassini's purified HRRP (ICAM-1) receptor preparation is not able to bind HRV. (Tomassini thesis at 116, line 22, to 117, line 1; and Tomassini article at 295, col. 1, lines 20-25.) Since the binding sites for HRV and LFA-1 overlap, one of ordinary skill in the art would expect that any disruption in structure from the purification procedure leading to the elimination of HRV binding, would also reduce or eliminate LFA-1 binding.

Furthermore, this inability of Tomassini's HRRP preparation to bind HRV is not due to chemical denaturation and subsequent disruption of the binding sites on the virus by radio labeling protocols. The authors of the Tomassini thesis and article show that radio labeled HRV is capable of binding to membranes. These results indicate that the binding sites on radio labeled HRV are functional. Since radio labeled HRV binds membranes but does not bind to Tomassini's HRRP preparation, it is more likely than not that the binding sites on Tomassini's HRRP preparation are disrupted and not functional. As discussed with the Examiner during the interview, Applicants submit herewith a Declaration of Robert Rothlein Under 37 C.F.R. §1.132 in support of these conclusions. The Examiner indicated during the interview that in light of Tomassini's results and the Declaration of Robert Rothlein, the rejections under 35 U.S.C. §§ 102 and 103 are likely to be withdrawn.

Applicants submit that the amendments presented herein comply with the Examiner's suggestions. Applicants note that the Examiner's suggestions were not made in view of any newly discovered references. In view of the above amendments and remarks, and the Declaration of Robert Rothlein Under 37 C.F.R. §1.132, reconsideration of this Application is respectfully requested.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Supplemental Amendment is respectfully requested.

Respectfully submitted,

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